

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

JEFFREY S. BRADEN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Nos.: 3:13-CR-045-TAV-DCP-7
3:16-CV-536-TAV-DCP

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, the referral Order of the District Judge [Doc. 15].¹ Now before the Court are Petitioner's Amended Motions to Withdraw as Attorney [Doc. 14 and 16], filed by Attorney David Bernstein.

Petitioner previously filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, while represented by Attorney Bernstein. [Doc. 3]. However, on June 14, 2019, District Judge Varlan denied Petitioner's § 2255 motion and dismissed this action with prejudice. [Doc. 13]. Attorney Bernstein now moves to withdraw as counsel of record, stating that he is retiring due to severe memory problems that prevent him from effectively representing his clients. Additionally, Attorney Bernstein states that he must withdraw from this case due to an order from the Florida Supreme Court noting his suspension from the practice of law.

However, the dismissal of Petitioner's § 2255 motion states that "[s]hould petitioner give timely notice of an appeal from this order, such notice will be treated as an application for a

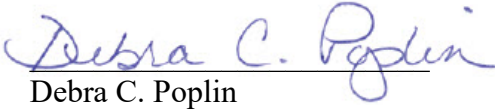
¹ Unless otherwise indicated, citations to the docket refer to Case No. 3:16-cv-536.

certificate of appealability, which is hereby denied.” [Doc. 13]. Petitioner did not file a timely notice of appeal, and his action was dismissed with prejudice.

Accordingly, Attorney Braden’s Motions to Withdraw as Attorney [**Doc. 14 and 16**] are **GRANTED** and due to the suspension notice set forth by the Supreme Court of Florida in the pending motions, Attorney David Bernstein is **RELIEVED** of his duties as counsel in this case. The Court notes, however, that as this action was dismissed without prejudice, there are no future proceedings remaining in this case.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge